

Acceptance Remarks by Justice Ketanji Brown Jackson
The Truman Good Neighbor Award Foundation Annual Luncheon
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Thank you so much! I am delighted to be here with you today and I feel very privileged to be the recipient of this year's Harry S. Truman Good Neighbor Award. It is a great honor to be considered worthy of this special distinction, especially given the esteemed former recipients of this award. In reviewing the list of prior recipients, I noted that past honorees include three Supreme Court Justices: Chief Justice Earl Warren, and Associate Justices Sandra Day O'Connor and Anthony M. Kennedy. In fact, Chief Justice Warren was the very first recipient of the Good Neighbor Award—that was in 1973, three years after I was born, and even more importantly, almost twenty years after he was able to orchestrate the Supreme Court's announcement of the unanimous opinion in *Brown v. Board of Education*, which changed the trajectory of my life and altered the course of our Nation.

So, it is certainly humbling and daunting for me to realize that the Truman Foundation has placed me in the same cohort as Chief Justice Warren and all of the other distinguished recipients of this award. And if I'm truly being honest: It is also a little *stressful*. I have only been serving on the Supreme Court for three years now—hardly enough time to make my mark. So I take this wonderful recognition to be a signal from the Foundation that they are watching me, and have high expectations (no pressure). I would also like to think that the awards committee has already observed something about me in the relatively short time that I've been on the Supreme Court bench that they think is reflective of at least one of the many outstanding qualities that President Truman exhibited during his time in office. Perhaps it is my general outspokenness on (and sometimes off) the bench. I am also told that some people think I am courageous for the ways in which I engage with litigants and my colleagues in the courtroom, or the manner in which I address

thorny issues in my legal writings. Some have even called me fearless in describing the way in which I have approached my role as an Associate Justice—especially given my junior status. So, in reflecting upon what might have prompted the Truman Foundation to give me this wonderful award in the name of one of our boldest and most principled presidents, I would like to think that, maybe, it is this shared character trait—bravery—that the Committee thought made me worthy of this special honor.

Now, if you are not familiar with President Truman, you should know that one of his most celebrated qualities was his courage—both at home and abroad. Stated simply, he was a leader who opted time and time again to speak the truth and to do the right thing, even in the face of immense political and public opposition. A 1975 biographical play and film about President Truman sums this up succinctly, by referencing an incident that supposedly took place during the presidential campaign of 1948 while Truman was delivering a searing speech that absolutely lambasted the opposition party. When a supporter yelled out “Give ‘em hell, Harry!” Truman purportedly responded: “I don’t give them Hell. I just tell the truth about them, and they *think* its hell!” Truman’s forthrightness was, indeed, one of his hallmarks. And, throughout his presidency, he consistently demonstrated a willingness to speak out and to stand on principle—making even unpopular decisions in the process. One example of this that is near and dear to my heart is the fact that President Truman became the first president of the United States to take an active stance on civil rights issues, which he did shortly after assuming the presidency in April of 1945, when President Franklin Delano Roosevelt died unexpectedly a mere 82 days into Truman’s vice presidential term.

In the brief time that I have at the podium today, I would like to focus in on President Truman’s civil rights legacy, and in particular, on what I believe was one of his most courageous acts (among many): his decision to desegregate the armed forces after almost a century of race-based segregation. We heard earlier from this

year's recipient of the Truman Foundation's Silver Veterans Metal, who served valiantly in modern times; today, soldiers and service-men and -women of all races and from all different backgrounds have the opportunity to live and work together in a community of common calling and purpose. But that was not always the case with military service in this country. And in order to understand the significance of President Truman's decision to desegregate the military—and, indeed, why it was so brave for him to take that stance—one must know at least a little bit about how things were before.

Notably, the same Jim Crow policies that plagued the American South—that separated African Americans from white citizens in public spaces, including railroad cars and buses, lunch counters, and schools—also existed in every branch of the armed forces. The living and working conditions were separate and highly unequal. In addition, Black soldiers routinely endured harassment and even violence at the hands of other American soldiers while they were on the job. And even though they had literally put their lives on the line in defense of our country during war, Black servicemen were treated as second-class citizens—despite being in uniform—when they came back home.

History reveals that President Truman knew about and understood these complicated racial and political dynamics; they were part of the backdrop of his presidency. And among those complexities was the fierce opposition that President Truman faced from political and military leaders, as well as members of his own political party, when he began to consider ending race-based discriminatory practices to the extent the law enabled him to do so. He also understood that taking such a morally correct but polarizing stance could cost him the support of his Southern electoral base—and it did. But President Truman also believed that the ideals and freedoms of American democracy could not be fully realized if race-based segregation persisted. And his decision to act on principle rather than popularity—

his commitment to standing firm in doing what is morally correct—demonstrated true courage and a strength of character that has become part of his core legacy.

Now, what is *less* well known (and something that might interest you) is *why* President Truman took the courageous stance that he did with respect to ordering the armed forces to desegregate. It turns out that there is an origin story—and *that* tale involves two other brave men—often overlooked historical figures who engaged in courageous acts of their own.

The first man was Sergeant Isaac Woodard Jr.—a decorated Black army veteran who, in 1946, was returning home to South Carolina after serving in the Pacific Theater on behalf of the United States as part of World War II. President Truman had pushed for the immediate demobilization of American troops abroad as one of his primary goals when he assumed the presidency in 1945, and so literally millions of American soldiers, like Woodard, were returning home in the months that followed the end of the war. Among them were nearly 900,000 Black veterans, who hoped that their service to the country might afford them the long-delayed American promise of freedom and equality despite the color of their skin.

Sergeant Woodard touched down in the United States in early 1946, and on the night of February 12th, he boarded a Greyhound bus in Augusta, Georgia, while in uniform, for the last leg of his return home to South Carolina after a three-year tour. At one point, Woodard walked up to the front of the traveling bus and approached the bus driver, asking to step off to use the restroom (this was a request that, by law, drivers were required to accommodate, given the lack of restroom facilities on the vehicle). But, this time, in response to Woodard's request, the driver profanely and flippantly declined to stop the bus. Woodard, standing tall in his military best, firmly asserted his rights and refused to return to his seat, saying something to the effect of “talk to me like I am talking to you. I am a man just like you.” In response, the bus driver pulled over to let him out and back on again, and

everything seemed fine—until the next official stop, which was in the rural town of Batesburg, South Carolina.

What followed is vividly described by one of my judicial colleagues and friends, U.S. District Judge Richard Gergel, in his extraordinary book *Unexamined Courage*.¹ The bus driver exited the bus in Batesburg and flagged a police officer, complaining about the manner in which Woodard had spoken to him and demanding that Woodard be removed from the bus. Woodard disembarked to try to explain how he'd been mistreated for asking to use the restroom, but before he could do so, Batesburg Police Chief Lynwood Shull removed the baton-like weapon he carried in a holster on his hip and struck Woodard on the head.² He arrested Woodard—who, again, was in his military uniform—and continued to beat him all the way along the walk to the local jail. Woodard eventually lost consciousness, and was struck so violently and repeatedly in both of his eyes, that when he awoke the following morning, alone in a jail cell, he was both disoriented and completely unable to see. He had been blinded in one of the first recorded incidents of a physical attack on a Black veteran of World War II.

The second historical figure I would like to highlight as I expound upon the impetus for President Truman's courageous military desegregation order is a federal judge from South Carolina named J. Waties Waring. Judge Waring was the U.S. District Judge for the Eastern District of South Carolina who presided over the trial of Chief Lynwood Shull for the blinding of Isaac Woodard. Now, it is probably not lost on you that, during the era I'm describing, the prosecution of a White police officer for the maiming of a Black man was highly unusual. So let me pause here to explain how *that* came about. After the attack, Sergeant Woodard spent nearly two months in the hospital recovering from his injuries. Then, a mere ten days after his

¹ Richard Gergel, *Unexamined Courage: The Blinding of Sgt. Isaac Woodard and the Awakening of President Harry S. Truman and Judge J. Waties Waring* (2019).

² *Id.* at 18.

discharge, Woodard traveled to the NAACP's national office to provide an in-depth recounting of the assault and his blinding—a pretty courageous thing to do at that time. The NAACP made sure that Woodard's statement was widely released, and it spawned a nationwide wave of protests and demands for legislative action to protect Black veterans. It also caused civil rights leaders to call specifically for the investigation and prosecution of Chief Lynwood Shull.

It is perhaps fortuitous that, in the months that followed, some of those same civil rights leaders met with President Truman in the Oval Office, and they *opened* with an urgent request that President Truman urge Congress to adopt anti-lynching legislation. To emphasize the gravity of the situation, the Executive Secretary of the NAACP vividly recounted for the President, who was himself a veteran of World War I, the story of Isaac Woodard's blinding. When he did so, everyone present witnessed the immediate change in President Truman's countenance—his initial hesitancy was replaced with horror and outrage that a uniformed soldier returning from battle could be met with such senseless violence. Truman apparently exclaimed, "We have got to do something!"³ And the following day, he wrote to the Attorney General of the United States, Thomas Clark, referencing Isaac Woodard's story and ordering the prosecution of Lynwood Shull, as well as proposing the creation of the first presidential committee on civil rights. In short, the *Shull* prosecution was initiated because our nation's Chief Executive, President Truman, heard about what happened to Isaac Woodard. And, as I noted earlier, when that prosecution got underway, the *Shull* case was assigned to Judge J. Waties Waring.

Now, this is 1946, and at the time, Judge Waring was one of a handful of federal trial judges who had been appointed to serve in South Carolina by southern senators who were firmly and publicly committed to racial segregation. According

³ *Id.* at 73.

to Judge Gergel’s book, “it was unthinkable that any lawyer who questioned the racial status quo would ever have been considered for appointment to the federal bench from any of the former states of the Confederacy.”⁴ So, I think it’s fair to say, that like his other colleagues, Judge Waring had never taken issue with Southern systems of racial segregation or Black disenfranchisement before the *Shull* case came across his desk. Indeed, he was as committed to the prevailing social hierarchy as any other eighth-generation Charlestonian with colonial roots and upper-class status would be. But, as I will explain, there was something about the *Shull* case that would challenge Judge Waring’s contentment with white hegemony and the systemic exclusion of African Americans.

I should also note at this point that Judge Waring’s awakening might have had something to do with one of the extraordinary lawyers who was involved with this matter—you may have heard of him: a man who went by the name of Thurgood Marshall and was chief counsel of the NAACP’s Legal Defense Fund at that time. Marshall had previously appeared before Judge Waring on other matters and had been shocked at how fair Waring had been with his rulings despite Marshall’s race, unlike many of the other judges Marshall stood before while litigating in the Deep South. So when the *Shull* case was assigned to Judge Waring, the NAACP, which represented Isaac Woodard, viewed that as an “interesting development.”⁵ Says Judge Gergel: “Although Judge Waring seemed to be thoroughly steeped in the social and political culture of South Carolina, Thurgood Marshall had seen a glimmer of something from Waring in earlier cases that suggested there might be something different about [him].” I say, something different, indeed. One might call it—courage.

The *Shull* trial began on November 5, 1946, in Judge Waring’s Charleston courtroom—and it lasted one day. To say that the proceedings were unfair, would

⁴ *Id.* at 94.

⁵ *Ibid.*

be an understatement. In reviewing the proceedings, legal historians have identified various glaring examples of prosecutorial neglect, as well as attempts by defense counsel (mainly) to prejudice the jury against Woodard and in favor of Shull. For example, the government rested its case in less than two and a half hours, without calling *any* of the witnesses Judge Waring and the NAACP had identified as key for the prosecution's case. Thus, though Shull had vigorously denied both that he beat Woodard immediately upon his exit from the bus, and that the beating he gave Woodard caused his blindness, the government did not call another soldier who had been on the bus with Woodard to testify as to what he saw, or any medical professional to attest to the fact that Woodard's injuries were caused by multiple strikes to his head and eyes. To make matters worse, when inconsistencies arose during the testimony of witnesses put on by the defense, the prosecution made no effort to highlight them to the jury. It also allowed defense counsel to make prejudicial statements to the all-White, all-male jury with no objection; suggesting, for example, that Woodard's alleged intoxication somehow warranted the brutal beating. And, ultimately, instead of asking the jury to return a guilty verdict, the U.S. Attorney said simply, "whatever verdict you gentlemen bring in, the government will be satisfied with."⁶ It thus came as no surprise when the clerk quickly received and published the jury's unanimous "not guilty" verdict.

In the weeks and months following Officer Shull's acquittal, civil rights leaders, and others, were vocal in their criticism of how the government handled the prosecution. Judge Waring held his tongue at the time, but eventually, after his retirement, he too became one of the harshest critics. Judge Waring later revealed that, in the meantime, the experience of presiding over that kabuki-theater-like trial was a "baptism of fire" for him that ignited in him a dramatic realization of race-based injustice. Judge Waring took it upon himself to get educated, in his spare time, about the realities of racial relations in America; he literally immersed

⁶ *Id.* at 127.

himself in a period of introspection and study regarding these issues. And this newfound social awareness gave him a different perspective on what was happening in his community and also a sense of urgency with respect to his unique responsibilities as a federal judge with a duty to uphold the rule of law.⁷

In the years that followed, Judge Waring confronted racial injustice head on—no matter the personal consequences or professional fallout. In the heart of South Carolina, before the Civil Rights Movement, he handed down several landmark civil rights decisions that would ultimately contribute to bending the arc of the moral universe and changing the course of our Nation’s history. Of the many decisions Judge Waring issued, his lone dissent in a school desegregation case called *Briggs v. Elliot* was most notable, because his reasoning would lay the foundation for the Supreme Court’s ruling in *Brown v. Board of Education* (1954).

It is also noteworthy for present purposes that Judge Waring’s commitment to the rule of law, no matter the outcome, garnered him considerable negative attention. Both he and his family faced vicious attacks—including a cross-burning on their lawn, gun shots outside of their home, and bricks being thrown through their windows. Judge Waring also faced professional retaliation; he was ostracized by his Southern colleagues, and the South Carolina legislature even considered funding impeachment trials against him. But through it all, Judge Waring was not deterred. Standing in courage and conviction, he stayed the course.

Meanwhile, in the months that followed the blinding of Isaac Woodard and the acquittal of Officer Shull, President Truman courageously established the Presidential Committee on Civil Rights, by executive order.⁸ That Committee then proceeded to conduct numerous public hearings on racial violence, voting discrimination, racial segregation, and the systemic denial of equal protections for

⁷ *Id.* at 132.

⁸ *Id.* at 139.

Black Americans. President Truman relied heavily on the Committee’s research as he developed his Administration’s policy agenda and when making proposals to Congress—despite the concerns of some of his political allies that his bold anti-segregation stance would cost him the upcoming election. And to be clear: President Truman’s civil rights initiatives *did* cause significant erosion of Southern support. But he won the 1948 election anyway—in one of the greatest election upsets in history—largely due to record Black voter turnout across major cities in the north.

Finally, then, on July 26, 1948—just a few months after his electoral victory and some two years after the blinding of Sergeant Isaac Woodard—President Truman issued the executive order that ended racial segregation in the armed forces.⁹ He would later cite Isaac Woodard’s story as the inspiration for this courageous stance because, as Judge Gergel reflects, Woodard’s story moved President Truman “in a way no statistics ever would.”¹⁰

As I stand here today, humbly and gratefully accepting the Truman Good Neighbor Award, I believe there are lessons to be learned from the three courageous individuals I have highlighted in these remarks: Sergeant Woodard, Judge Waring, and President Truman. My big takeaway is that, despite the risks and obstacles, when faced with moral choices, we must have the courage to *do the right thing*. When Isaac Woodard boarded that greyhound bus in Augusta, Georgia, he did not intend to become a symbol of the civil rights movement. But when faced with the harsh reality that even military service did not suffice to protect him from the indignities of Jim Crow, he took a stand, and demanded respect, understanding the personal risks. And when President Truman learned of Woodard’s story, he courageously abandoned the political calculus and took bold, decisive action—not only by ordering the prosecution of Lynwood Shull, but also by becoming a champion of civil rights for all Americans, doing what he could to end segregation in

⁹ 3 C.F.R. 98, *supra* note 1.

¹⁰ Unexamined Courage, *supra* note 2 at 170.

the military, and urging Congress to secure the rights and freedoms of millions of Black Americans and their progeny. And then, there was Judge Waring. Despite every comfort he possessed as a White Charlestonian, and every instinct he may have had for professional survival, when the *Shull* case was assigned to him, he recognized that his choices were to be “entirely governed by the doctrine of white supremacy” or “be a federal judge and decide the law.”¹¹ Judge Waring had the courage to stand alone and to uphold the rule of law as his judicial role required.

As an Associate Justice of the Supreme Court of the United States, I share that responsibility. It is my duty to support and defend the Constitution and laws of the United States against all enemies—foreign and domestic. And I have sworn an oath to do so “without fear or favor.” This means that I and every other sworn judicial officer must exercise our independent judgment when we are deciding a case. For our democracy to function properly, and for the protection of the rights and liberties that all of us have in this country, judges must be allowed to reach their conclusions without “inappropriate pressure.” And though we are sometimes put into the spotlight and the hot seat, given the cases before us, judges must have the courage to render independent rulings based solely on their own assessment of the facts and the law.

Indeed, what we commit to as judges and what we *have* to do to preserve the rule of law reminds me of how President Truman once characterized America itself. He helpfully remarked during an address to a special session of Congress in 1947 that “America was not built on fear. America was built on courage, on imagination, and an unbeatable determination to do the job at hand.”¹² There have been and will be times in which that spirit of America is tested—by division, by fear, by lawlessness, and by the weight of the moral choices before us. But if we proceed

¹¹ Unexamined Courage, *supra* note 2 at 252.

¹² Harry S. Truman, *Special Message to the Congress: The President's First Economic Report*, The American Presidency Project (1947).

with courage, undaunted by fear and informed by history, and if we persist in choosing to do what is right despite the obstacles, we will honor both President Truman's legacy and the fundamental values of our beloved country.

Thank you for your time and attention this afternoon, and thank you, again, to the Truman Foundation for this incredible honor.